

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

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|------------------------------|-------------------------|---|------------------------------|
| IN RE: | MARVIN W. FACTOR | : | Chapter 11 |
| | | : | |
| | Debtor(s) | : | Bky. No. 09-12485 ELF |
| | | : | |
| MARVIN W. FACTOR | | : | |
| KATHLEEN M. FACTOR | | : | |
| | | : | |
| | Plaintiff s | : | |
| | | : | |
| | v. | : | |
| | | : | Adv. No. 09-0205 |
| ALLIANCE BANK, et al. | | : | |
| | Defendants | : | |
| | | : | |

O R D E R

WHEREAS, the above captioned adversary proceeding was commenced on June 22, 2009 by the filing of a Notice of Removal;

AND, by order dated November 23, 2009, the main bankruptcy case was dismissed;

AND, WHEREAS, generally, the termination of a debtor's main case will result in dismissal of all pending adversary proceedings, see, e.g., In re Smith, 866 F2d 576 (3d Cir. 1989);

AND, in the context of a removed proceeding, remand of the proceeding (rather than dismissal) being the more appropriate disposition;

AND, the court having the legal authority to act sua sponte to remand a removed proceeding pursuant to 28 U.S.C. §1452(b), see Bricker v. Martin, 348 B.R. 28 (W.D. Pa. 2006); Scherer v. Carroll, 150 B.R. 549 (D. Vt. 1993); In re Best Reception Systems, Inc., 220 B.R. 932 (Bankr. E.D. Tenn. 1998);

It is hereby **ORDERED** that the above-captioned proceeding is **REMANDED** to the Court of Common Pleas, Philadelphia County.



Date: November 23, 2009

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE

cc: Marvin W. Factor
Kathleen M. Factor
1013 Clinton Street
Philadelphia, PA 19107